IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

WP(C).No. 5058 of 2007(B)

PETITIONER:

M.B.GOPALAKRISHNAN NAIR,
S/O. BALAKRISHNAN NAIR, AGED 36 YEARS,
RESIDING AT MARUVATHANKAL HOUSE, THANKAMANI P.O.,
IDUKKI DISTRICT.

BY ADV. SRI.SAJAN PAUL A.

RESPONDENTS:
----

1. **THE SPECIAL DEPUTY TAHSILDAR (R.R.),**
   K.S.F.E. LTD., KOTTAYAM.

2. **THE MANAGER,**
   KSFE LTD., M.D. COMMERCIAL CENTRE,
   KOTTAYAM.

3. **THE TAHSILDAR,**
   TALUK OFFICE, UDUMBANCHOLA.

BY ADV. SRI.S.D.ASOKAN, S.C, KSFE FOR R2,
GOVT. PLEADER SMT. M.K. PUSHPALATHA FOR R1 & R3.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 26/02/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.5058/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE SALARY CERTIFICATE ISSUED BY THE R.3. DTD. 09/02/2007 TO THE PETITIONER.

EXT.P.2: COPY OF THE PROHIBITORY ORDER-REMINDER DTD. 09/01/2007 ISSUED BY THE R.1.

EXT.P.3: COPY OF THE REPRESENTATION DTD. 03/02/2007 SUBMITTED BY THE PETITIONER BEORE THE R.3.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR,J.

WP(C)NO.5058 OF 2007-B

Judgment

The petitioner is in default to the KSFE in relation to a loan availed of by him. So the KSFE moved the revenue recovery machinery and the Special Deputy Tahsildar (RR) has issued Ext.P2 notice proposing to recover an amount of 50,000/- from his salary. A direction has been issued to the Controlling Officer of the petitioner to recover an amount of Rs.2,000/- per month. This Writ Petition is filed, contending that if the said direction is implemented, the recovery will offend the provisions of Section 60 CPC and Section 80 of the Revenue Recovery Act.

2. I heard the learned Standing Counsel for the KSFE also. The Writ Petition is disposed of directing the 1st respondent to consider the above grievance of the petitioner and modify the demand so that the monthly recovery from the petitioner will be in conformity with Section 60 CPC and Section 80 of the Revenue Recovery Act. This, the 1st respondent shall do within one month from the date of receipt of a copy of this Judgment.

26.02.2007 **K.BALAKRISHNAN NAIR,JUDGE**

sta